

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RACHEL BRUCE,

Plaintiff,

Case No. 06-10340

v.

Hon. John Corbett O'Meara

WASHINGTON MUTUAL BANK, F.A.,

Defendant.

ORDER OF PARTIAL DISMISSAL

On January 25, 2006, Plaintiff filed a two-count complaint alleging violations of the Real Estate Settlement and Procedures Act (RESPA) (Count I) and breach of contract (Count II). Plaintiff does not allege that diversity jurisdiction exists. Although Plaintiff's RESPA claim is cognizable in this court pursuant to 28 U.S.C. § 1331, Plaintiff's breach of contract claim is based on state law. Pursuant to 28 U.S.C. § 1367(c), a district court may decline to exercise supplemental jurisdiction over state law claims raised in federal question cases. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Because Plaintiff does not assert diversity jurisdiction under 28 U.S.C. § 1332, this court declines to exercise supplemental jurisdiction over Plaintiff's state law claim.

IT IS HEREBY ORDERED that Count II of Plaintiff's complaint is DISMISSED.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: February 10, 2006